IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

THURSDAY, THE 6TH SEPTEMBER 2007 / 15TH BHADRA 1929

WP(C).No. 26605 of 2007(P)

PETITIONER:

NOORJAHAN,AGED 42 YEARS,
W/O. HASSAINAR, THETTAYIL HOUSE,
KARIPPAI ROAD, RAJAGIRI PO,
KALAMASSERY.

BY ADV. SRI.P.M.SAJI

RESPONDENTS:

THE KALAMASSERY MUNICIPALITY,
REPRESENTED BY ITS SECRETARY, KALAMASSERY.

BY ADV. SRI.M.K. ABOOBACKER, SC.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 06/09/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

W.P.(C) No. 26605 OF 2007

Dated this the 6th day of September, 2007

JUDGMENT

Sri.M.K.Aboobacker, Standing Counsel takes notice on behalf of the respondent Municipality.

The grievance of the petitioner is that Ext.P3 final order was issued by the Municipality even before considering objections which had been submitted by him to Ext.P2 provisional order. Since it is seen that it is without considering objections of the petitioner that Ext.P3 has been issued, I set aside Ext.P3 and direct the Municipality to take a fresh decision on the issue covered by Exts.P1, P2 and P3 after hearing the petitioner and taking into account objections, if any, filed by the petitioner already. Fresh decision shall be taken at its earliest and at any rate within three weeks of receiving copy of this judgment. If petitioner requests for hearing opportunity, the same will be given by the Municipality.

PIUS C. KURIAKOSE, JUDGE

btt